

REMARKS

The preamble of each of claims 1 through 6, 8, and 11 through 14 has been amended to recite a rocket nozzle component. In addition, the body of each of claims 1 and 11 through 13 has been amended to recite a rocket nozzle component. Claims 1 through 6, 8, and 11 through 14 have also been amended to improve antecedent basis. Support for the amendments to these claims is found in the as-filed specification at least at paragraph [0036]. New claim 15 has been added. Support for this claim is found in the as-filed specification at least at paragraph [0062] and FIG. 17. No new matter has been added.

The above-mentioned claim amendments were made for the convenience of the Examiner and not for the purpose of narrowing the scope of the claims. As such, Applicants respectfully assert that no surrender or disclaimer of claim scope, and more specifically, of the broadest possible range of equivalents to which applicants may be entitled has been effectuated

The Final Office Action mailed January 29, 2008, has been received and reviewed. Claims 1 through 6, 8, and 11 through 14 are currently pending in the application and stand rejected. Applicants have amended claims 1 through 6, 8, and 11 through 14, added new claim 15, and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 102 Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 4,460,640 to Chi *et al.*

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chi *et al.* (U.S. Patent No. 4,460,640). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The 35 U.S.C. § 102(b) anticipation rejection is improper because Chi does not expressly or inherently describe each and every element of independent claim 1. Claim 1 recites, in part, a "rocket nozzle component" and "wherein the rocket nozzle component is configured as at least a

portion of a rocket nozzle.” Chi does not expressly describe these elements of claim 1 because nothing in Chi discloses a rocket nozzle component formed from the composite described in Chi. As such, Chi necessarily does not expressly describe a rocket nozzle component configured as at least a portion of a rocket nozzle. The Examiner has not identified any portion of Chi that expressly describes these elements of claim 1.

Chi also does not inherently describe these elements. The Examiner alleges that “[s]ince [Chi] teaches the components as claimed, the resulting composite article would be inherently capable of being configured as at least a component of a rocket nozzle.” *Office Action of 01/29/2008*, page 2. Applicants respectfully disagree with the Examiner’s allegation because, as explained above, Chi does not describe the elements in claim 1 of a “rocket nozzle component” and “wherein the rocket nozzle component is configured as at least a portion of a rocket nozzle.” Furthermore, to establish inherency, the Examiner must provide a rationale or evidence tending to show inherency. M.P.E.P. § 2112 IV. “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” *Id.* Furthermore, “[t]o establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” *Id.*

Since the Examiner has not provided any support or evidence that the above-mentioned element is necessarily present in Chi, the Examiner has not established the inherency of the claimed elements. Rather, the Examiner’s statement appears to suggest that inherency is established merely because the fiber reinforced glass composites of Chi may be configured as at least a portion of a rocket nozzle. As such, Applicants respectfully submit that the Examiner’s assertion of inherency is based merely on probabilities or possibilities rather than whether the fiber reinforced glass composites of Chi are necessarily configured as at least a portion of a rocket nozzle. Therefore, the Examiner’s reliance on inherency is improper.

In addition, Applicants respectfully submit that the Examiner’s analysis and reasoning, as set forth in the outstanding Office Action, appear to be more in line with an obviousness rejection, rather than an anticipation rejection. However, even if the Examiner were to reject

claims 1 and 4 as being obvious in light of Chi, such an obviousness rejection would merely be based on hindsight in view of the Applicants' disclosure.

Since Chi does not expressly or inherently describe each and every element of claim 1, the anticipation rejection of claim 1 is improper and should be withdrawn.

Claim 4 is allowable, *inter alia*, as depending from an allowable base claim, namely claim 1.

New dependent claim 15 is allowable, *inter alia*, as depending from an allowable base claim, namely claim 1.

Anticipation Rejection Based on U.S. Patent No. 5,744,075 to Klett *et al.*

Claims 1 through 6, 8, and 11 through 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Klett *et al.* (U.S. Patent No. 5,744,075). Applicants respectfully traverse this rejection, as hereinafter set forth.

Klett does not expressly or inherently describe each and every element of claims 1 through 6, 8, and 11 through 14 because Klett does not expressly describe the elements of a "rocket nozzle component" and "wherein the rocket nozzle component is configured as at least a portion of a rocket nozzle," as recited in independent claims 1 and 13. Klett does not expressly describe these elements because nothing in Klett discloses a rocket nozzle component, or a rocket nozzle component configured as at least a portion of a rocket nozzle.

Klett also does not inherently describe these elements. The Examiner alleges that "[s]ince [Klett] teaches the components as claimed, the resulting composite article would be inherently capable of being configured as at least a component of a rocket nozzle." *Office Action* of 01/29/2008, page 3. Applicants respectfully disagree with the Examiner's allegation because, as explained above, Klett does not describe the elements in claim 1 of a "rocket nozzle component" and "wherein the rocket nozzle component is configured as at least a portion of a rocket nozzle." In addition, for reasons similar to those previously discussed, the Examiner has not provided a proper rationale in support of the alleged inherency. Specifically, the Examiner has not provided any support or evidence that the above-mentioned elements are necessarily present in Klett. Since the composite materials of Klett are not necessarily configured as at least a portion of a rocket nozzle and since Klett does not even describe a rocket nozzle component,

the Examiner's assertion of inherency is based merely on probabilities or possibilities and, therefore, is improper.

Furthermore, Applicants respectfully submit that the Examiner's analysis and reasoning, as set forth in the outstanding Office Action, appear to be more in line with an obviousness rejection, rather than an anticipation rejection. However, even if the Examiner were to reject claims 1 through 6, 8, and 11 through 14 as being obvious in light of Klett, such an obviousness rejection would merely be based on hindsight in view of the Applicants' disclosure.

Since Klett does not expressly or inherently describe each and every element of claims 1 and 13, the anticipation rejection of these claims is improper and should be withdrawn.

Each of claims 2 through 6, 8, 11, 12, and 14 is allowable, *inter alia*, as depending from an allowable base claim, namely claims 1 or 13.

New dependent claim 15 is allowable, *inter alia*, as depending from an allowable base claim, namely claim 1.

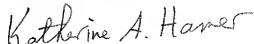
ENTRY OF AMENDMENTS

The amendments to claims 1 through 6, 8, and 11 through 14 and new claim 15 should be entered by the Examiner because the amendments and new claim are supported by the as-filed specification and drawings and do not add new matter to the application.

CONCLUSION

Claims 1 through 6, 8, and 11 through 15 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink that reads "Katherine A. Hamer". The signature is written in a cursive, flowing style.

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